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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,672

10/17/2003

Takeya Sakai

Q78001

8267

23373

7590

10/11/2005

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EXAMINER

NGUYEN, THANH NHAN P

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/686,672	Applicant(s) SAKAI ET AL.	
	Examiner (Nancy) Thanh-Nhan P. Nguyen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This communication is responsive to Amendment dated 7/25/2005.
2. Claim 1 is pending for the examination; claims 2-5 are withdrawn from the consideration.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mori U.S.**

**Patent No. 5,559,618.**

Mori discloses in figure 2 and in the abstract a retardation film having a birefringence, wherein when a first biaxial index ellipsoid having primary refractive indexes  $n_x$ ,  $n_y$  and  $n_z$  is assumed, [corresponding  $n_x$ ,  $n_y^2$ ,  $n_z^2$ ], where the primary refractive indexes  $n_x$ ,  $n_y$  and  $n_z$  in X, Y, and Z axis directions, respectively, [corresponding  $n_x$ ,  $n_y^2$  and  $n_z^2$  direction], satisfy a relationship of  $n_x \neq n_y \neq n_z$ , [since the magnitude of  $n_x$ ,  $n_y$  and  $n_z$  after rotating around the  $n_x$  axis satisfies  $n_x > n_z > n_y$ , the magnitude of  $n_x$ ,  $n_y^2$  and  $n_z^2$  before rotating around the X axis would satisfy  $n_x > n_z^2 > n_y^2$ ], X axis and Y axis being parallel to a film surface and a Z axis being normal to the film surface, the retardation film has primary refractive indexes  $n_x'$ ,  $n_y'$  and  $n_z'$ , [corresponding  $n_x$ ,  $n_y$  and  $n_z$ ], of a biaxial index ellipsoid which is obtained by rotating

Art Unit: 2871

the first biaxial ellipsoid at an arbitrary rotational angle  $\theta_1^\circ$ , [corresponding the angle  $\theta$ ], about the X axis as an axis of rotation and at an arbitrary rotational angle  $\theta_2^\circ$ , [where the angle  $\theta_2^\circ$  is  $0^\circ$  or  $360^\circ$  in fig.2] about the Y axis as an axis of rotation.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mori U.S. Patent No. 5,559,618.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Nancy) Thanh-Nhan P. Nguyen whose telephone number is 571-272-1673. The examiner can normally be reached on M-F/9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2871

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

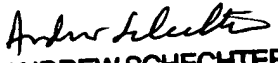
(Nancy) Thanh-Nhan P Nguyen

Examiner

Art Unit 2871

-- October 7, 2005 --

TN

  
ANDREW SCHECHTER  
PRIMARY EXAMINER